

COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

PLANNING COMMISSION

MEETING DATE
November 30, 2005
LOCAL EFFECTIVE DATE
December 14, 2005
APPROX FINAL EFFECTIVE
DATE

January 4, 2006

CONTACT/PHONE Ryan Hostetter (805)788-2351 APPLICANT Mario Mora

FILE NO. D020348P

SUBJECT

Request by Mario Mora for a Minor Use Permit/Coastal Development Permit to allow for the construction of a 1,410 square foot addition to an existing 1,780 square foot residence resulting in a 3,190 square foot residence with a 302 square foot attached garage. The addition will be two story and match the existing ridgeline of the home with a maximum height of 28'. The project is located at 2183 Wilton Drive in the community of Cambria in the North Coast planning area.

RECOMMENDED ACTION

Approve Minor Use Permit / Coastal Development Permit D020348P based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION

A Class 3 Categorical Exemption pursuant to CEQA guidelines section 15303 was issued on Dec. 3, 2003

LAND USE CATEGORY Residential Single Family

COMBINING DESIGNATION Local Coastal Program, Terrestrial Habitat ASSESSOR PARCEL NUMBER 023-203-038 SUPERVISOR DISTRICT(S)

PLANNING AREA STANDARDS:

Setbacks, Height, Footprint and Gross Structural Area Limitations

Does the project meet applicable Planning Area Standards: Yes - see discussion

LAND USE ORDINANCE STANDARDS:

Local Coastal Program, Terrestrial Habitat

Does the project conform to the Land Use Ordinance Standards: Yes - see discussion

FINAL ACTION

This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calender day local appeal period after the administrative hearing.

The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.



EXISTING USES: Single family residence		
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family/ Residential South: Residential Single Family/ Residential	East: Residential Single Family/ Residential West: Residential Single Family/ Residential	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisor District, and the California Coastal Commission	ry Council, Public Works, Cambria Community Services	
TOPOGRAPHY: Moderately sloping (14%)	VEGETATION: Ornamental Vegetation & Pines	
PROPOSED SERVICES: Water supply: CCSD Sewage Disposal: CCSD Fire Protection: Cambria Fire Department	ACCEPTANCE DATE: December 3, 2003	

DISCUSSION

This project was scheduled for the February 6, 2004 Planning Department Hearing and was continued to the March 5, 2004 Planning Department Hearing to allow staff more time to evaluate parking etc. On March 5, 2004 the project was approved. However, this decision was not final because of a possible error in the noticing of the project. Two neighbors stated that they were not noticed for the hearing, and were unaware of the decision being made on March 5, 2004. Based on this staff recommended to continue the decision and schedule the project for the Planning Commission because of the controversial nature of the project. Staff had requested revised plans from the applicant prior to scheduling the Planning Commission hearing, and those plans were submitted on September 2, 2005. The project has been re-noticed for the hearing on November 30, 2005.

There were several calls from neighbors and a couple letters from neighbors with concerns regarding the proposal (see attached letters from Chris & Taunie Seaberg dated January 27, 2004, and signed petition dated by the County on January 30, 2004). The following is a summary of the major neighborhood concerns with a brief staff *response*:

- a. The home does not have a garage, and the existing garage has been converted to living space: The applicant has submitted an existing floor plan, and proposed floor plan with the application, and the floor plan does show one single car garage. In Cambria a residence is required to contain two off-street parking spaces and only one of those is required to be covered. The plans will be verified and inspected with the application of the building permit for the proposed project.
- b. Too many cars parked illegally: Planning staff does not regulate parking, traffic enforcement, or number of vehicles owned by a household. Planning staff ensures that the minimum parking requirements are being complied with, and in this case the applicant complies with the minimum parking requirements. For specific traffic violations staff recommends that the neighbors contact the local Sheriff for enforcement.
- c. Building height measured from top of fill: The project applicant is conditioned to obtain an official survey during the building permit phase to verify the height of the structure, and how the structure is being measured. The maximum height requirement is measured 28' above average natural grade. Average natural grade can be established and will be verified in the field during



inspections with the building permit. The proposed addition will be approximately 27'9" and will match the ridgeline of the roof on the existing residence.

d. Rear porch enclosed without a permit: With this permit application, the applicant is proposing to remove the impervious enclosure and replace it with an open wood trellis.

PLANNING AREA STANDARDS:

Lot Size:7,000 square feet

Triple, Forested

Slope:14 percent Number of trees to be removed: 0

Oversized lot adjustment: 1,3333

Base: 1,200 sq ft footprint, 2,400 sq ft GSA

Oversized for adjustifierit. 1.3333		Base. 1,200 sq it lootprint, 2,400 sq it GSA		
PROJECT REVIEW	ALLOWABLE	Existing	Proposed	STATUS
FOOTPRINT (SQUARE FEET)	1,200*1.3333=1,600	890	1,595	OK
GSA (SQUARE FEET)	2,400*1.3333=3,200	1,780	3,190	ОК
DECKS (SQUARE FEET)				
PERVIOUS	480	218	218	OK
Impervious	160	0	0	OK
Неіснт (Геет)	28	26	28	ОК
SETBACKS (FRET)				
Front	10' or 15' (front and rear to total 25')	20°	20'	OK
REAR	10' or 15' (front and rear to total 25')	20'	20'	ОК
SIDE	5'	7'-8'	7'-8'	OK
STREET SIDE	N/A	N/A	N/A	N/A

LAND USE ORDINANCE STANDARDS:

Section 23.07.120 - Local Coastal Program

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Section 23.01.043 - Appeals to the Coastal Commission

The project is appealable to the Coastal Commission because it is for development in an environmentally sensitive area, as designated and mapped in the Local Coastal Plan.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies, the most relevant policies are discussed below.

Public Works:

Policy 1: Availability of Service Capacity: The proposed project will not result in any new water fixtures; therefore the project will have no impact on services in Cambria and a will-serve letter is not required.

Coastal Watersheds:

1-4

- Policy 7: Siting of new development: The proposed project is consistent with this policy because the new addition will be located on an existing lot of record in the Residential Single Family category on a slope less than 20 percent.
- Policy 8: Timing of new construction: The proposed project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.
- Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the new residence will not increase erosion or runoff.

Hazards:

- Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.
- Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.

Environmentally Sensitive Habitats:

- Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: The proposed project is consistent with this policy because it will not significantly disrupt the habitat and tree removal and site disturbance have been minimized. If trees are removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.
- Policy 2: Permit Requirement: The proposed project is consistent with this policy because there will be no significant impact on sensitive habitats and proposed development will be consistent with the biological continuance of the habitat.
- Policy 3: Habitat Restoration: The proposed project is consistent with this policy because if removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.
- Policy 27: Protection of Terrestrial Habitats: The proposed project is consistent with this policy because there will be no removal of sensitive habitat area, and the addition is located in a small area which is currently impacted yard area for the existing single family home.
- Policy 28: Protection of Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized. If trees are removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.
- Policy 33: Protection of Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: None received.

AGENCY REVIEW:

Public Works- Recommend approval, no drainage plan Cambria Fire - See fire plan review (in file) Cambria Community Services District - No additional fixtures proposed

Staff report prepared by Ryan Hostetter and reviewed by Matt Janssen

EXHIBIT A - FINDINGS

CEQA Exemption

A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project is a minor addition to an existing single family residence.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project. The proposed project also does not propose to increase vehicle trips to the areawide system as the project is an addition to an existing residence.

Coastal Access

G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Terrestrial Habitat

- H. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because tree removal has been minimized and if trees are removed, they will be replaced on a two-to-one basis.
- Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize tree removal and site disturbance.
- J. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized and if trees are removed, they will be replaced on a two-to-one basis.
- K. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage



improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the County Public Works Department.

- L. There will be no significant negative impact to the identified sensitive habitat and the project or use will be replaced on a two-to-one basis.
- M. The project or use will not significantly disrupt the habitat, because it is an addition to a single-family residence with minimal site disturbance.

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EXHIBIT B - CONDITIONS OF APPROVAL

<u>Authorized Use</u>

- 1. This approval authorizes the construction of a 1,410 square foot two story addition to an existing 1,780 square foot residence, resulting in a 3,190 square foot residence with a 302 square foot attached garage.
- 2. No additional water fixtures are approved with this permit.
- 3. Site development shall be consistent with the approved site plan, floor plans, and elevations.

Building Height

4. The maximum height of the project is 28 feet from average natural grade.

Parking

5. Any parking that occurs in the public right-of-way shall be parallel to the front property line and shall not interfere with any public use of the right-of-way.

Community Services

- 6. No additional water fixtures shall be installed.
- 7. No rough-in plumbing shall be installed.

Conditions to be completed prior to issuance of construction permits

- 8. If grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
- 9. The applicant shall submit a drainage plan for review and approval by the County Public Works Department.
- 10. The applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Cambria Fire Department.
- 11. The applicant shall submit existing and proposed floor plans to the Cambria Community Services District (CCSD) for review and comply with all requirement of the CCSD.
- 12. The applicant shall pay all applicable school and public facilities fees.
- 13. Prior to issuance of a construction permit for this addition (D020348P), the applicant shall provide evidence that all existing retaining walls and fill were constructed under a permit, and if not, the applicant shall obtain a construction permit and have the walls inspected.
- 14. Prior to issuance of a construction permit, the applicant shall obtain an encroachment permit for the proposed retaining wall and fill in the public right-of-way and comply with all other requirements of the Public Works Department.

Conditions to be completed prior to site disturbance

15. A licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).

Conditions to be completed prior to foundation inspection

16. the control point shall be inspected by a building inspector prior to pouring footings or retaining walls, as

Planning Commission Minor Use Permit # D020348P/Mora Page 8

an added precaution.

Conditions to be completed prior to roof nailing inspection

17. the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Conditions to be completed prior to final inspection

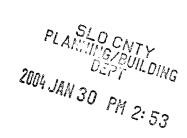
- 18. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cambria Fire Department of all required fire/life safety measures.
- 19. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Miscellaneous

20. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').

Chris & Taunie Seaberg
2165 Wilton Drive
Cambria, CA 93428

(805) 927-0765



January 27, 2004

To: San Luis Obispo County

Department of Planning and Building

Re: Project for Mario Mora

County File Number: D020348P

Upon receiving the Notice of Tentative Action/Public Hearing pertaining to the above noted Project, we have prepared the following list of concerns:

- 1. Planning standards require a garage for residences, but the garage at the Mora residence is currently used as a bedroom, thus, the loss of two potential parking spaces.
- 2. Mr. Mora and his tenants continually abuse the parking situation on Wilton Drive. They park perpendicular into the right of way with the rear of their vehicles sticking out into the road in order to accommodate all of their vehicles. We are concerned about the availability of off street parking. It appears a retaining wall will be built at the property line with fill added in the right of way to accommodate more parking on the street. There are already at least two families living in this residence and we feel that with the number of vehicles regularly parked at this address, there should be more off street parking required. Currently, there are only two off street parking spaces. We would like to see a minimum of two additional off street parking spaces (within the property boundaries). This is a one-way street and all vehicles including emergency vehicles and delivery trucks should be able to pass by without obstruction in the road. Currently this is not always the case.
- 3. RE: Building Height. The average natural grade has been altered due to a 3-4' retaining wall at the lower property boundary, which was backfilled with approximately 3-4' feet of soil. This work was done in the last 8-12 months without a permit.

- 4. The plot plan does not show the mature multi trunked Coast Live Oak that currently exists on the property. It appears the owner is not requesting a permit to remove this tree. Nonetheless, we are concerned because this is one of the only mature Coast Live Oaks of its size in the neighborhood. In the past the owner has tried to remove this tree without a permit, but was prevented from doing so by a concerned neighbor. He also cut down a large Coffee Berry tree in the County right of way with out county permission. Regarding the two pines to be planted to replace the 12" pine to be removed, we suggest that the new trees be monitored by a qualified individual for a minimum of three years to insure their survival. In the past he has illegally attempted to clear his lot of trees.
- 5. Lastly, part of the rear porch of this residence appears to be closed off for living purposes, but does not appear to be included in the footprint/GSA square footage.

We would like to request a hearing on this matter.

Thank you for your time and consideration.

Respectfully

Chris and Taunie Seaberg

Department of Planning and Building San Luis Obispo County PLANSLOCNTY DESTUILDING 2004 JAN 30 PM 2:53

To Whom It May Concern:

We the undersigned have grave concerns of the enclosed possible infractions. We would like the building department to address these matters so that we can avoid a public hearing. We understand that we cannot stop the project, file #D020348P Mario Mora at 2183 Wilton Drive Cambria, CA, but we would like to keep it within the county guidelines. We would like this matter to be addressed by this office so we that will not have to take it to other sources.

Sincerely,

Melky	2130 Skye St. Cambria
Kathyn a, Jaylor	2140 Skye St Cambria
John Congre	2070 SKYE St. Cambril
Pely Lyanon	2045 Skyp J Gardia
Bufn Can	1887 Londonderry, Cambri
Drac Buddell 2130 Skyest,	

Department of Planning and Building San Luis Obispo County

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Sincerely,

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2181 Wilton Dr.

John Worden

2180 WLTON DR.

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Chris Cartweight	2119 Wilton Dr.
M. Coldeson	2187 ANDOURE PLACE

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TO: THE SAN LUIS OBISPO COUNTY PLANNING DEPT,

THE TROPERTY OWNERS ATTACHED WOULD LIKE TO REQUEST A HEARING ON THE MARIO MORA PROJECT, #POZO348P, TO ADDRESS THE FOLLOWING ISSUES:

- O HAS THE GARAGE BEEN CONVERTED TO LIVING SPACE
 - @ PECKS HAVE BEEN COVERED (OFF REAR), SHOULD THEY BE INCLUDED IN FOOTPRINT?
- (3) PETAINING WALL HAS BEEN BUILT & BACK FILLED ALONG REAR PROPERTY LINE, WOULDN'T THIS CHANGE THE MERAGE NAT. GRADE CALCS?
 - 1 OAK TREE NOT SHOWN ON FLANS
- B) HAVE TREES BEEN RE-PLANTED FOR MONTEREY FINE REMOVAL?
 - · Q RETAINING WALL PROPOSED ALONG FRONT OF PROPERTY WOULD CREATE 100' LOUG, NOSE IN PARKING AREA, MAJUNG THE PROPERTY FRONT A HUGE PARKING LOT, FOR HIS EXCLUSIVE USE
 - D CLOD HAS NOT APPROVED PROJECT (PEQUIRED WHEN ADDITION IS MORE THAN 25% OF EXISTING AFEA) THIS APPITION IS 100% IN CREASE
 - DO WE LIVE IN AN R-1 ZONED AREA OR HAS THIS BEEN CHANGED TO MULTI-FAMILY DO TO LACK OF COUNTY ZONING ENFORCEMENT?

4' retaining wall no permit no inspection.

6' of chain link over retaining wall making total fencing 10' to grade.

Fill behind retaining wall not compacted, is this O.K. for building on? This also changes the natural grade, does this have any effect?

1 very large Oak tree approx. 30" diameter. It would be an extreme hardship to the neighborhood to remove such a large healthy tree. The people in the neighborhood will have a large issue with the removal of this tree. Several smaller Oaks and Coffee Berry North/East corner of lot are these trees to remain, they are not shown on the plan.

Pine tree North/West corner of the lot on plans, removed last year, did it have a permit?

Covered deck not shown on plans, does this change overall footprint?

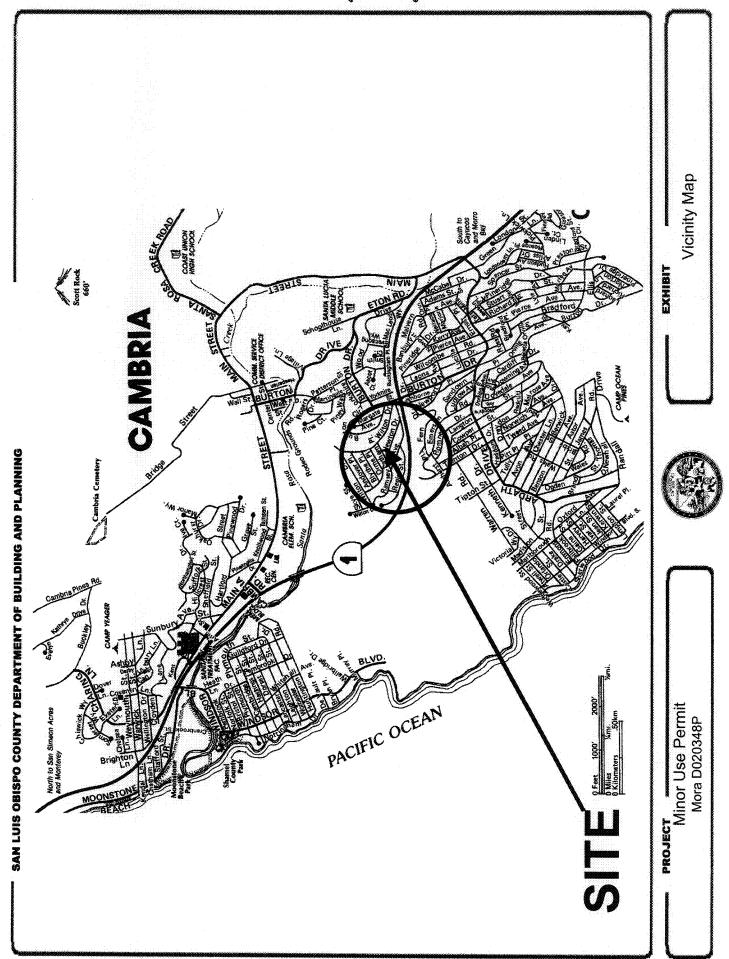
Deck parking area has been doubled which makes more off street parking than shown on plans.

Garage with water heater has been turned into living space. If the garage is to be used with the two parking spaces in driveway and the two parallel parking spaces created by existing retaining wall this is more than ample parking for R-1. Therefore there will be no need for extension of retaining wall removal of tree on South/East corner of lot for additional parking. The proposed extension of retaining wall for on-street parking is absolutely not necessary if this neighborhood is to remain R-1.

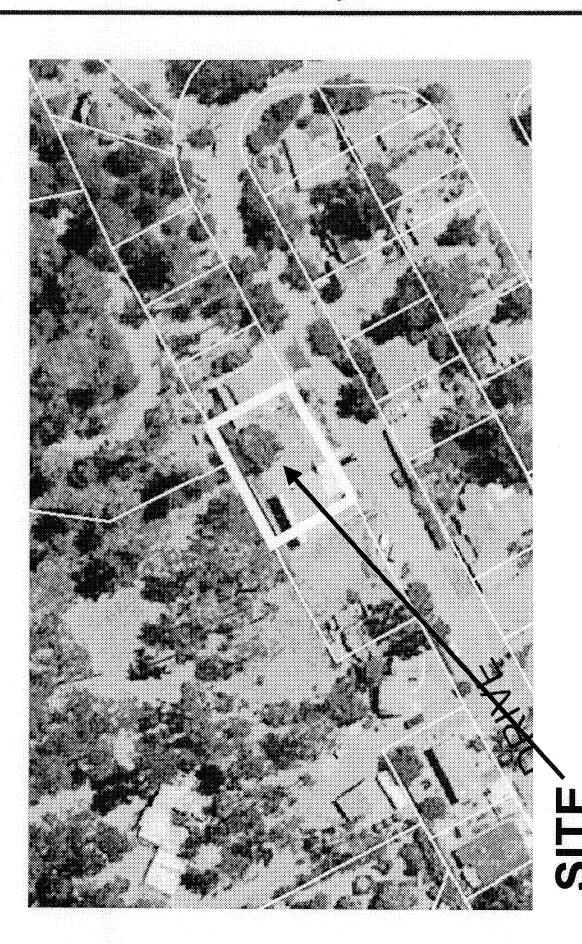
Tree on South/East corner of property not shown on plan.

History of removal of trees without permits documented by tree in North/West corner on print and very large Coffee Berry south center of the lot, documented by Art Trinidad.

Trees that were planted to replace removed trees have been removed after inspection.



Land Use Category EXHIBIT T. ATIED SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING ű. Minor Use Permit Mora D020348P PROJECT

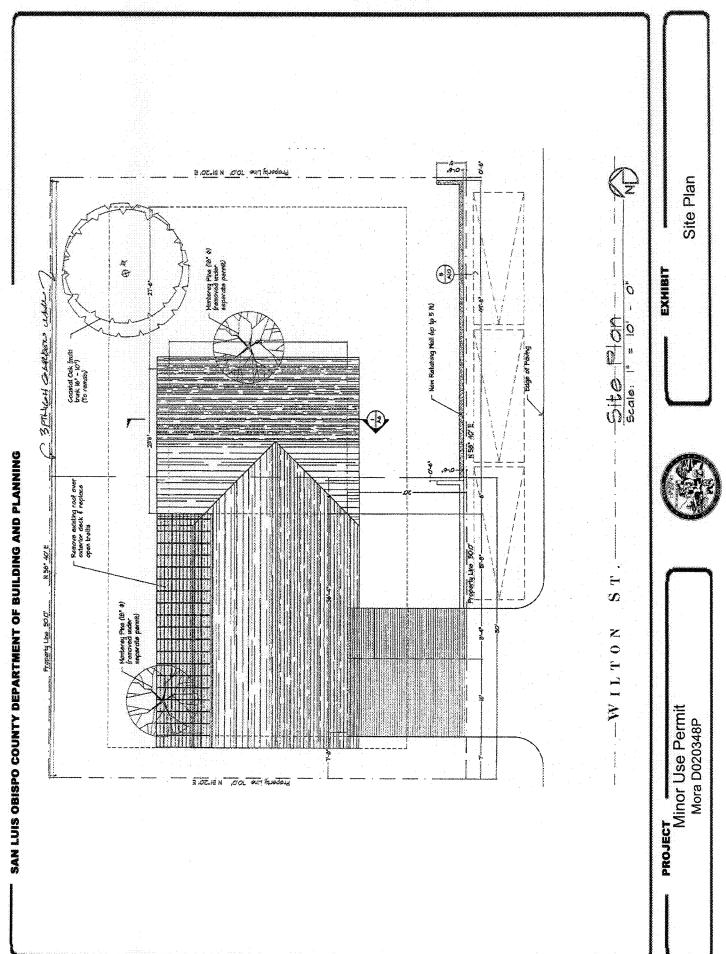


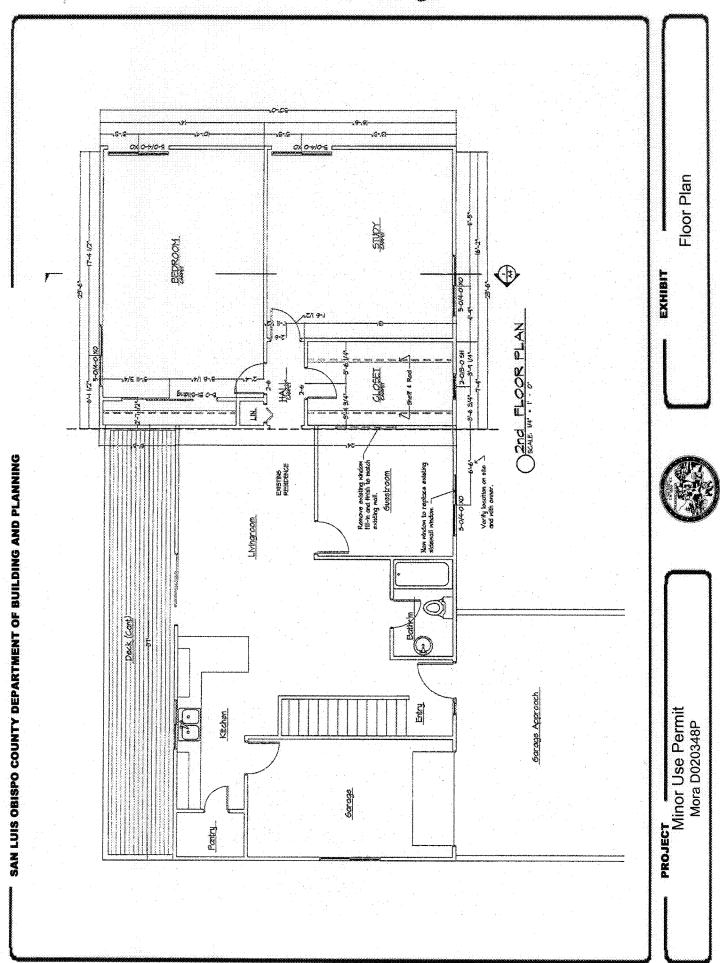
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

EXHIBIT

Aerial

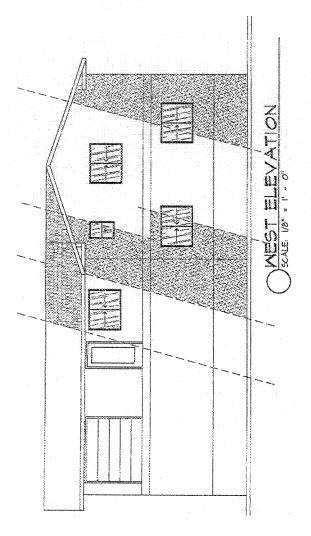
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Minor Use Permit
Mora D020348P





- ASMALT COMP BURGLES CLASS W (10 MINER EXETING) Elevation EXHIBIT SCAE 16 - 1 - 0 SCALE VIE - O' Minor Use Permit Mora D020348P PROJECT

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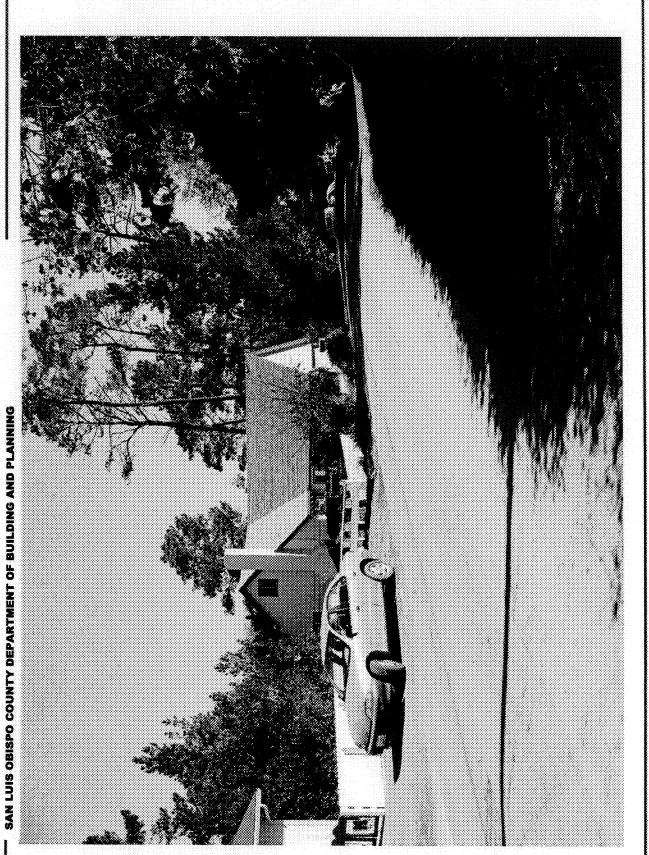


SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

EXHIBIT

Elevation

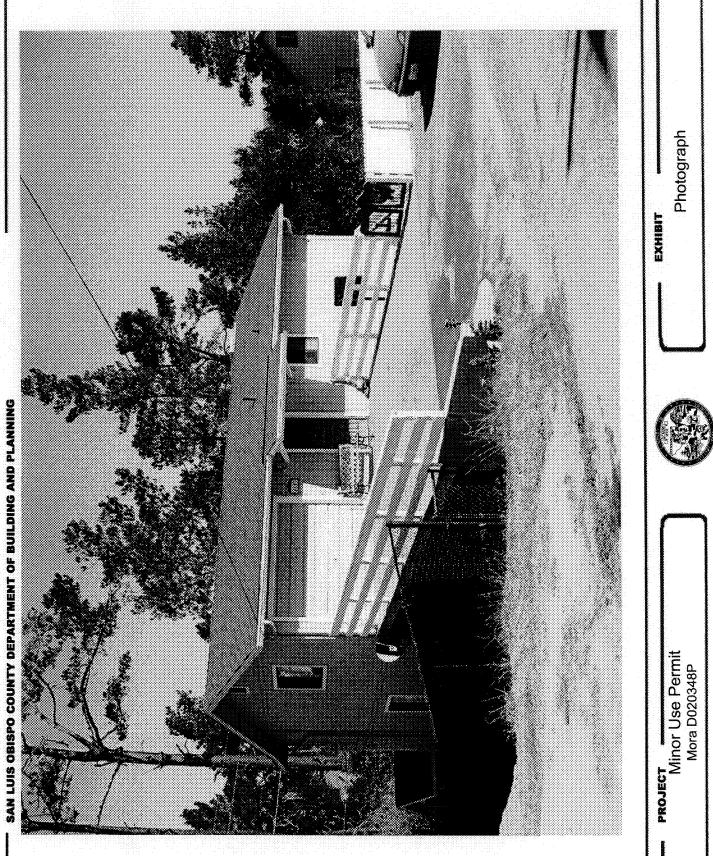
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Minor Use Permit
Mora D020348P

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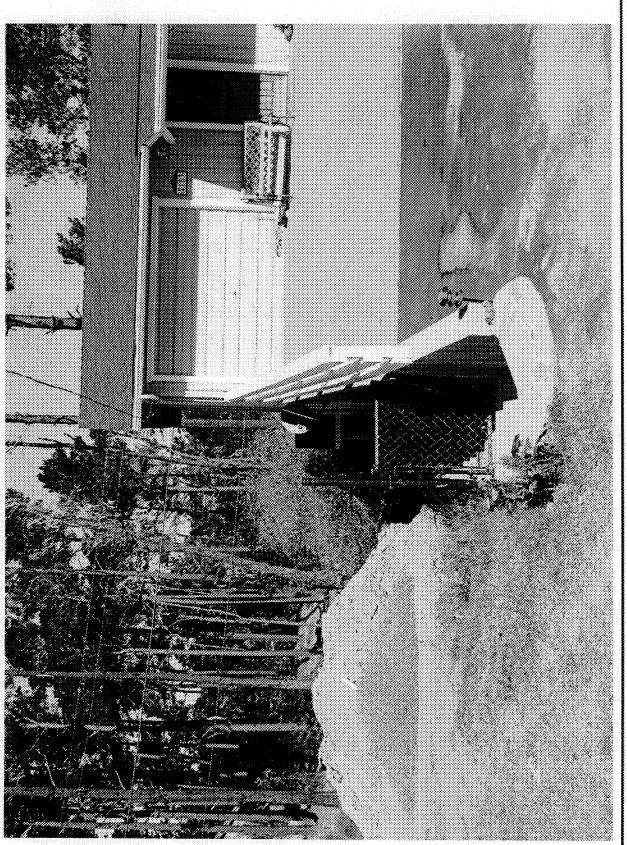
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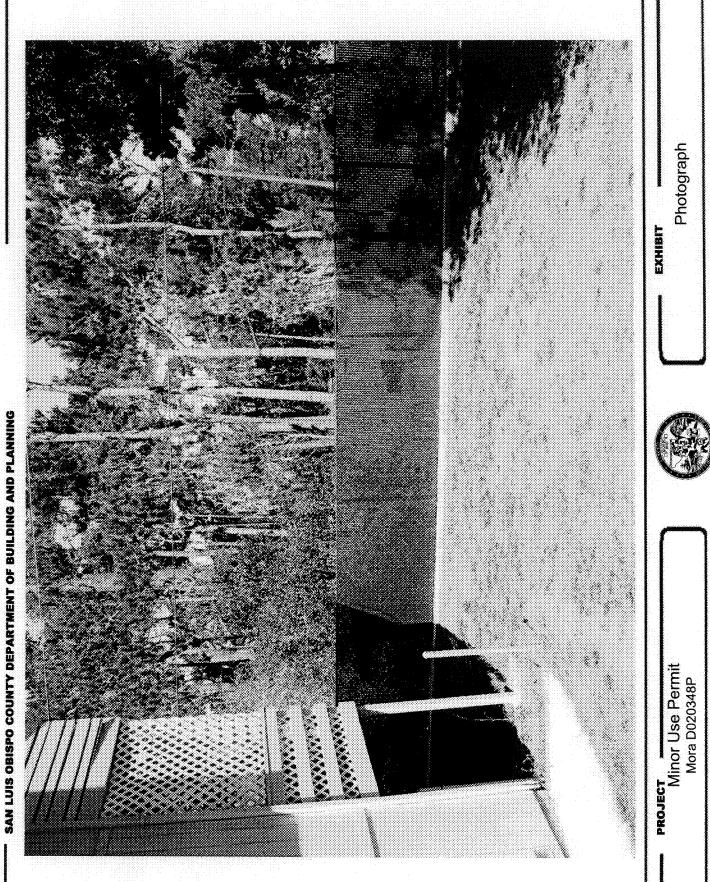


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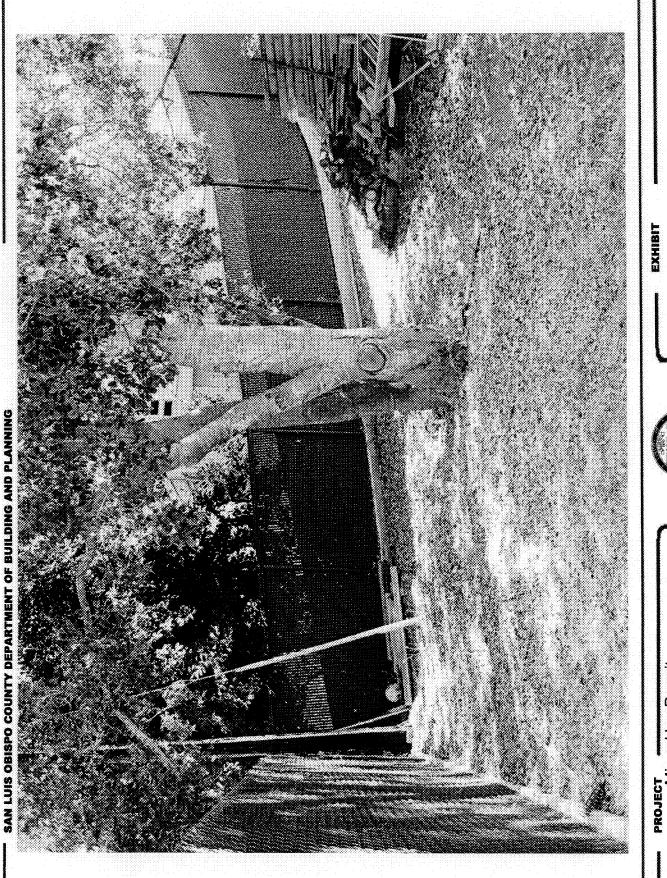
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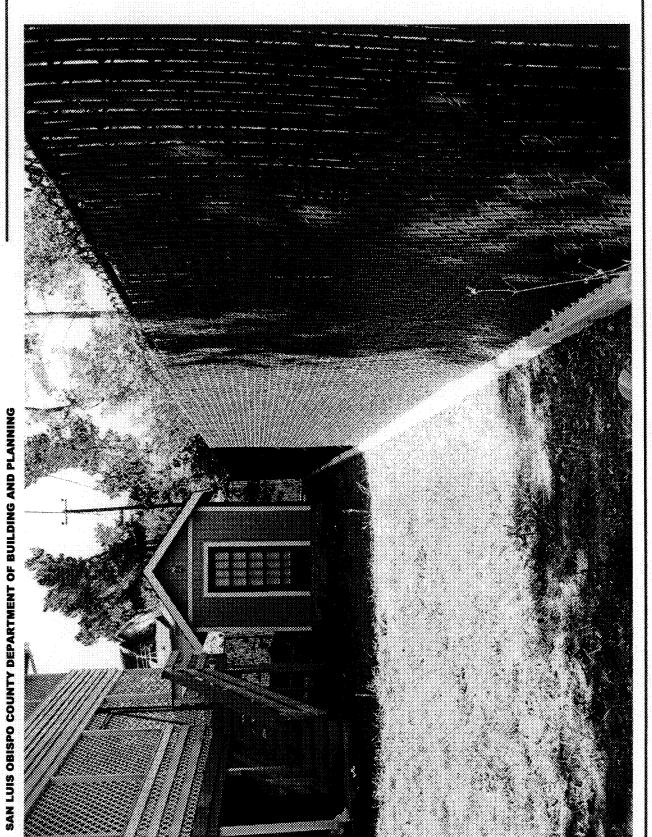


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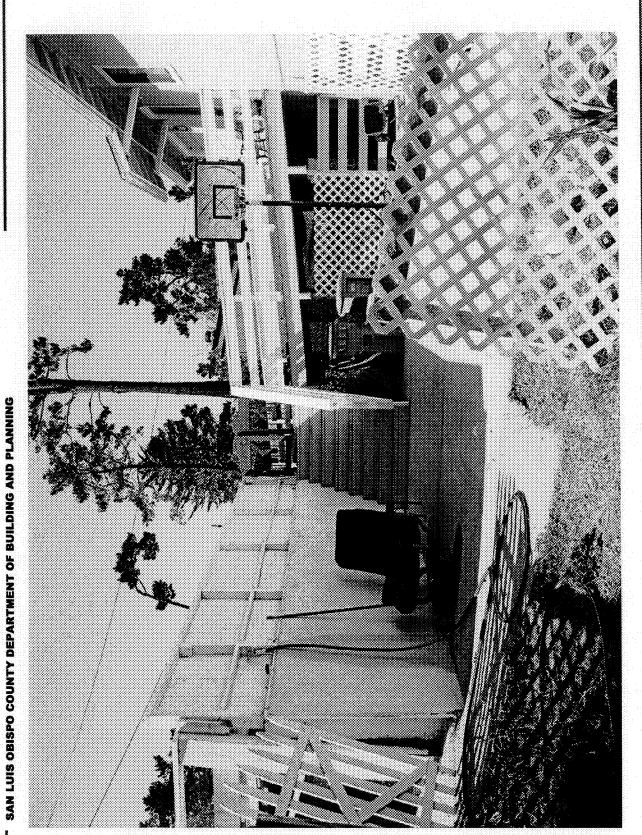


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Photograph





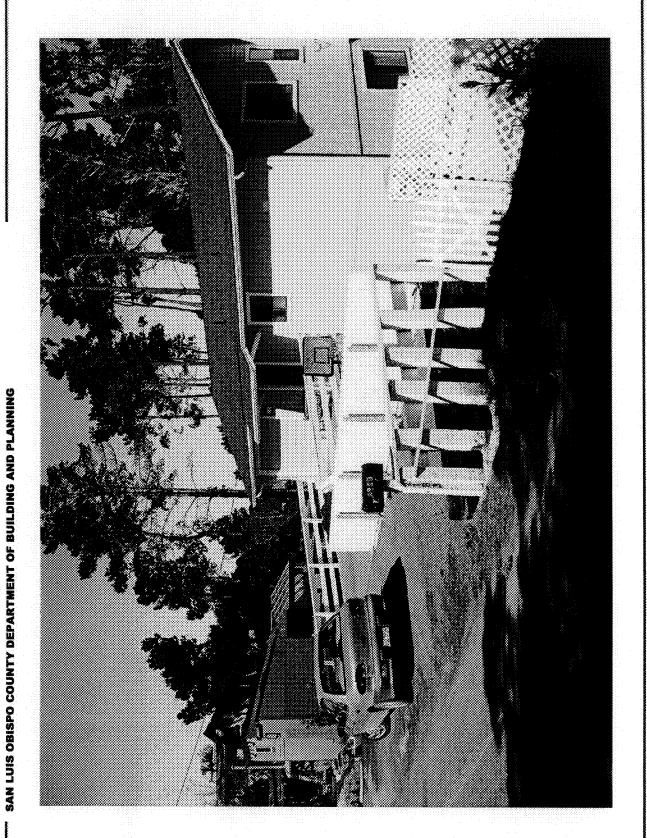
EXHIBIT

Photograph





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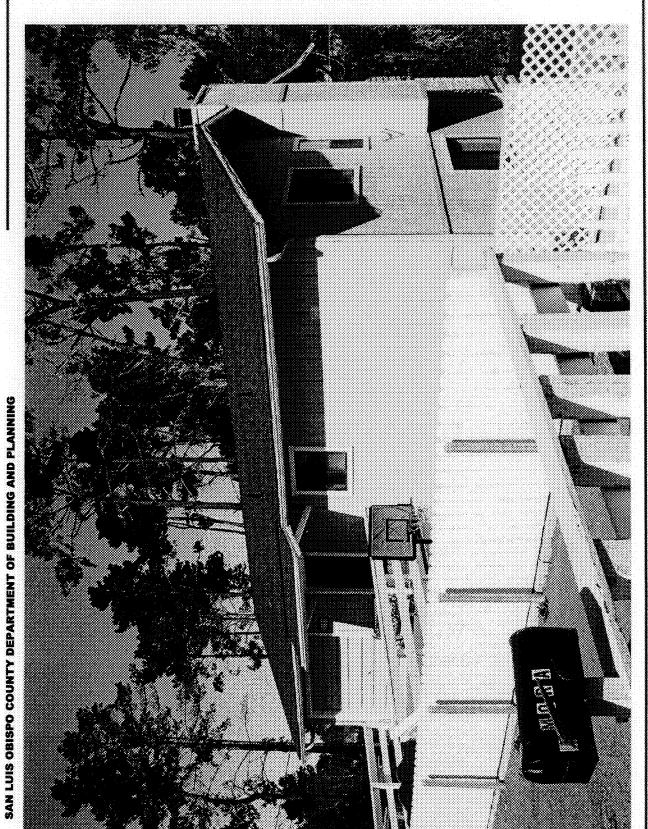


PROJECT Minor Use Permit Mora D020348P

EXHIBIT

Photograph

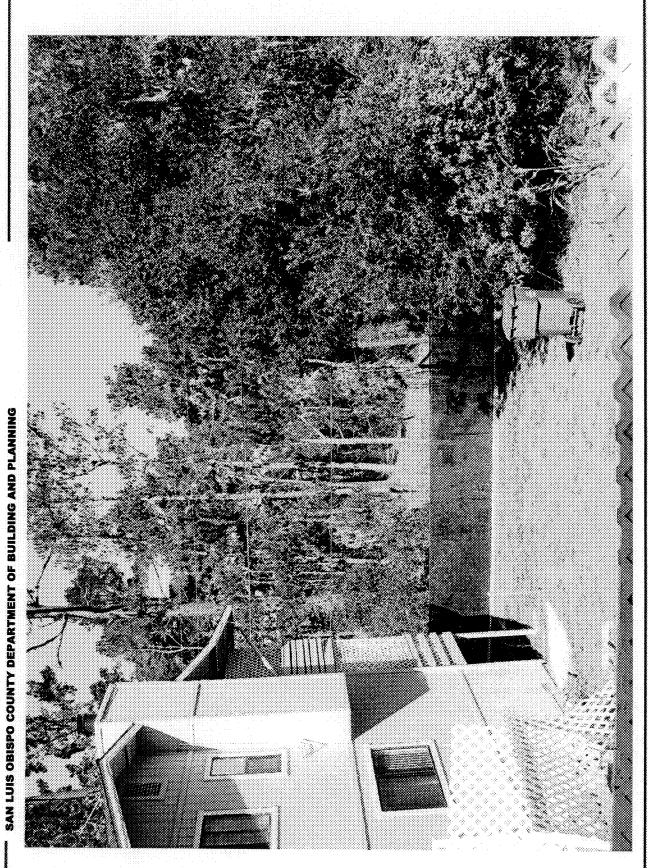




EXHIBIT

Photograph

PROJECT Minor Use Permit Mora D020348P



Project Minor Use Permit Mora D020348P

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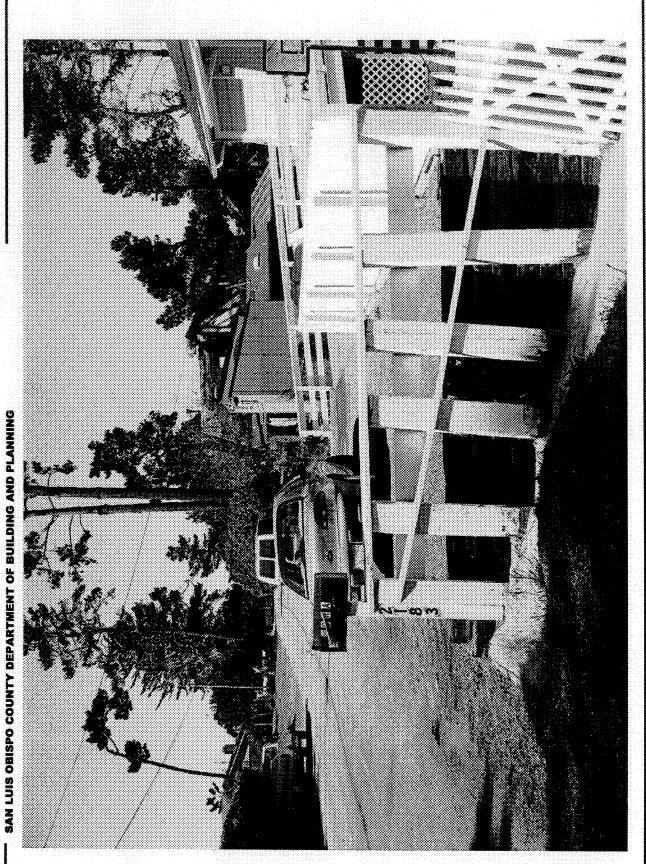


EXHIBIT Photograph



PROJECT
Minor Use Permit
Mora D020348P